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From: CN=Ann Codrington/OU=DC/O=USEPA/C=US
Sent: Tue 6/12/2012 12:42:27 PM
Subject: Fw: Inside EPA: EPA Fracking Policies Queried
June 7 letter
Inside EPA

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Date: 06/12/2012 06:28 AM
Subject: Inside EPA: EPA Fracking Policies Queried

EPA Fracking Policies Queried
 Posted: June 11, 2012

A key House Republican is questioning an EPA official's statements that the agency is conducting a comprehensive review of its existing authority to regulate hydraulic fracturing, arguing EPA appears intent on finding "fault" with fracking in order to justify strict new rules for the sector.

Rep. Andy Harris (R-MD), chair of the House science panel's environment subcommittee, sent a June 7 letter to EPA Administrator Lisa Jackson seeking clarification on statements made by Fred Hauchman, director of EPA's Office of Science Policy within the agency's Office of Research & Development (ORD), to a March 6 National Association of Counties (NACo) meeting held in Washington, DC.

As reported by Inside EPA, Hauchman told the meeting, "We're doing a pretty comprehensive look at all the statutes" to determine "where there are some holes" for additional oversight given the number of statutory exemptions that prohibit some direct EPA regulation of fracking, such as a Safe Drinking Water Act (SDWA) prohibition on the agency from regulating the fracking process with SDWA permits.

In the letter to Jackson, Harris asks several questions about the statements, including why ORD is conducting the review, under what authority ORD is acting and sought a list of officials who are involved in the process along with a list and description of any related meetings.

Harris also cited statements made by then ORD Assistant Administrator Paul Anastas during a House science hearing, in which Anastas characterized the agency's Congressionally-directed study of the potential drinking water impacts of fracking as a "not a risk assessment" but more aimed at identifying potential risks rather than quantifying them.

"Unless EPA's study identifies the degree of any risk, the probability of any risk occurring, and whether or not existing state or federal rules or industry best practices eliminate or mitigate any risk, EPA's study will provide little meaningful guidance to policymakers," the letter says. "Does EPA consider this outcome -- after four years and millions of dollars -- to be consistent with the letter and spirit of the request made by

Congress for EPA to study this issue?"

Harris asks how EPA will ensure the study accurately portrays the risks of fracking, taking into account rapidly evolving technology, given that portions of the study use 2009 data.

Harris also challenges three separate groundwater investigations, in Parker County, TX; Dimock Township, PA; and Pavillion, WY, where EPA has struggled to defend its preliminary conclusions that fracking may have posed a risk to groundwater or drinking water supplies.

The three studies reflect the committee's "continued concern with EPA's confusing and questionable approach to hydraulic fracturing," the letter says. "These examples, while individually very troubling, collectively suggest EPA is not objectively pursuing an improved understanding of the relationship between hydraulic fracturing and drinking water, but rather is determined to find fault with the technology in order to justify sweeping new regulations," Harris writes.